

EG&G ROCKY FLATS

91-RF-0795

In view of the remoteness of successful resolution of this issue, EG&G will initiate immediate actions to shut down those operations that generate LDR waste forms. It must be recognized that these actions will effectively eliminate non-plutonium functions and terminate plans to complete resumption of operations by specified schedules. A plan for shutdown status is currently being prepared which will define the actions to be taken, projected completion dates, cost impacts, and consequences to DOE mission objectives. Even with taking these actions, it may not be possible for EG&G to stop the generation of LDR wastes and/or bring the facility into full compliance in a stand down condition.

9-25-93

RG: Vp

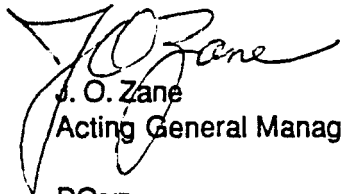
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Therefore, EG&G requests Contracting Officer written representations that:

- a) DOE representatives have discussed this matter with relevant senior enforcement officials (to be named in the transmittal) at both EPA and the Department of Justice and have received verbal assurances that no criminal enforcement action will be taken against EG&G or any of its employees if EG&G continues to operate the Rocky Flats Plants without the protections of a FFCA covering the continued generation and storage of LDR wastes, and
- b) all fines, penalties, settlements and costs, including litigation costs and attorney fees arising out of or in connection with any administrative proceeding or civil action to enforce compliance with RCRA LDR requirements will be allowable and reimbursable costs under EG&G's prime contract.

Attention to this matter at your earliest convenience is urgently requested.


J. O. Zane
Acting General Manager
RG.vp

Orig. and 1 cc: - R. M. Nelson, Jr.

cc:
G. H. Fess - DOE, RFO
D. P. Simonson - DOE, RFO